

1 throughout the 1989 through 1994 license term, although it
2 might have been punctuated at various points by your leaving
3 for independent projects?

4 A Yes.

5 Q As I understand it from looking at the station
6 logs, in 1989, for example, the programmatic responses that
7 I can see that conceivably addressed community concerns were
8 generally two minutes or less.

9 Would that be accurate?

10 A Again, they may have been longer, the segments may
11 have been longer. I don't know the exact length. It was
12 dependent -- a lot of it was dependent on the time that the
13 network gave us --

14 Q Well, actually in that sense I misspoke, and I
15 have to give you credit for "In Touch," which is reflected
16 on the August 23, 1989, log that appears in Appendix B of
17 Ms. Bradley's testimony as running for three minutes. But
18 that's the longest one I could find during that period of
19 time.

20 A That was generally the accepted lengths at that
21 point because of the way that the network structured this.

22 Q And the program, in particular, that I am
23 referring to is "In Touch."

24 Could you briefly describe what that is?

25 A "In Touch" focused on a number of different issues

1 of importance to the community. I would have to have some
2 titles in front of me to be refreshed.

3 Q No, a general description suffices.

4 A It focuses on a number of different topics:
5 health, welfare, whatever is deemed important to serving the
6 needs of the community.

7 Q This will be general. If we need to, we can get
8 more specific. But looking at a program like "In Touch,"
9 could you describe the process from the genesis of an idea
10 to the actual airing of the program?

11 A We would get a -- we would determine the need for
12 an issue to be addressed.

13 Q And you would make that determination as how?

14 A It would be a -- someone would come to -- come
15 together in either a group and propose some issue that we
16 have ascertained as being an issue that affects members of
17 the community. And for, let's say that we receive via mail,
18 fax, whatever mean to the station that someone would be
19 visiting the area, let's say, and that their topic of
20 discussion had merit to members of the community. I am only
21 using one example of how a production would come about.

22 Q Right, that's all I was looking for at this point.

23 A And then it would -- then, you know, based on what
24 the information received, the source, we would determine how
25 we want to use it on our station and whether it would be

1 worthy -- first of all, whether it would be worthy to use on
2 the station, and then, you know, went through the process of
3 scheduling time of when the person could come in, and
4 determining, well, do we want to make a series of this, a
5 series of segments on this, or do we just want one or two;
6 do we want this season; do we want this -- is it some
7 upcoming fund raiser; do we want this to be a new round
8 segment. You know, you have to make all those
9 determinations in order to aptly serve the community.

10 Q Then the process would continue?

11 A The process?

12 Q Right, I was talking -- the process that I was
13 trying to focus on was from the genesis of the idea to the
14 actual airing of the programmatic response.

15 A Oh, okay. Excuse me then. Yes, after the
16 determination of the preproduction determination, how are we
17 going to use this and who is it going to serve and who is it
18 going to most benefit, then yes. Then we would schedule a
19 time to have this shot. We have determined the host, who is
20 going to produce this, and that would -- then it would be
21 shot, produced and aired.

22 Q And this process could generally take as little as
23 how long and as much as how long?

24 A Depending on if a series was being done, for
25 instance, or if the -- we were taking our cameras out on

1 location, which we did many times, it is all -- all these
2 variables are factored in.

3 Now, to answer your question, Mr. Shook, if a
4 single guest was coming into the studio, coming into --
5 let's say coming into town, or a doctor to discuss some
6 illness, and, you know, and do a three-minute segment, and,
7 you know, in and out, then as little as production and
8 preproduction scheduling and everything, probably a total of
9 all told maybe a half a day maybe to get the one segment.

10 But I'm talking about the manpower for the
11 preproduction and I'm talking about from top to bottom. I'm
12 not talking about just -- maybe you want to know physically
13 just when this person comes to the station, and shows up for
14 the taping, how long that took? Or do you want to -- I
15 mean, I don't know if you mean by that --

16 Q I may not have made myself clear. let's back up a
17 second.

18 You ascertain the need.

19 A Right.

20 Q That's like day one.

21 A Yes, sir.

22 Q Day two through whatever, you went through the
23 process of trying to determine how to meet this need.

24 A Okay.

25 Q Then you actually put together some kind of

1 programmatic response and then you aired it.

2 A Right.

3 Q So what I'm trying to get a handle on --

4 A Okay, I'm sorry. It could have been a couple of
5 weeks, for instance, because what if we -- an example, we
6 get a piece of information that looks like it has potential
7 but we want -- we're not sure how it really fits. And then
8 let's say two weeks later something happens in the community
9 that brings this home to say, okay, this is suddenly really
10 an issue, and so -- or something could just jump out of the
11 page at you and you just naturally say this is an issue.

12 Now, we wouldn't probably -- in the majority of
13 the instances we probably wouldn't just see something or
14 have something mailed to us or whatever and just, you know,
15 jump in the -- you know, get the cameras together and go out
16 and put a segment together. It would probably be a process
17 of, okay, well, when can this be done and what -- how do we
18 want to address the issue.

19 I mean, there is a total -- as opposed to just
20 straight going out and cover a news story, there was a lot
21 of thought given into how we are going to cover certain
22 issues.

23 I'm trying to answer your question and my real
24 answer is that it's just a variable situation.

25 Q From what you're telling me thought, it sounds as

1 a general matter that it could be typically several weeks
2 between the time an idea is formed and the program is
3 actually aired, such as it is.

4 A I don't want to say "could be typically." I would
5 like to say it could be, and typically, for instance, I'll
6 give you an example of our calendar. We would like to have
7 one to two weeks notice for events, nonprofit events coming
8 into the station to be on our community calendar, so we
9 would have the time to produce and get everything. So I
10 mean, so there is a one to two-week period there.

11 Not that that can be used as a benchmark to focus
12 on our other ascertainment issues between the time that we
13 ascertain them, even produce a spot. A lot of it depends on
14 the availability of guests. I mean, what if we ascertained
15 a need immediately or as immediate as possible, you know,
16 say in a week, you know, from the time we see it and we
17 discuss a need, but the guest that we want to use in our
18 studio is not available for two months.

19 Okay, then what -- we're at the mercy of that as
20 well. So there are just a lot of variables involved.

21 Q Right. All I am trying to get a handle on is the
22 approximate amount of time that it would take, whether there
23 was anything typical or not. And I believe you have --

24 A Pretty much.

25 Q -- gone pretty well to answer that.

1 A Or what we would do upon occasion, if needs be, we
2 would just take the cameras out. I mean, if we had -- let's
3 just say that a guest, a guest was lecturing, let's say, or
4 let's say we were doing a -- obviously a lot of times we had
5 to go out just by sheer -- again the fact that we had to be
6 there. We were covering or doing a series of safety tips
7 for children, and one of them was done at a power plant.

8 So obviously there were times where we just had --
9 we had no choice but just to go to the source, and that
10 became something of a decision-making process as well
11 because we had to make sure that if we had to have access to
12 the power plant, then we had to make sure that the right
13 people were there to let us in and do the shooting, and we
14 had to make sure that all the waivers and everything else
15 was lined up.

16 But the point I am trying to make is that we
17 wouldn't -- if we couldn't get the right, the perfect guest
18 to come into our studio, and this person was in town and was
19 unable to make it while this person was in town, if he was
20 or she would have been someone coming through town, then we
21 would have gone to the source in some cases too, and shot on
22 location.

23 Q Now, I may seem like I'm jumping a bit, but I want
24 to take you to the end of the '94, '89 to '94 license term.
25 It appears to me also in looking at the logs from that

1 period that some of the programmatic responses have changed
2 in the sense that the station is now airing 25 to -- 25
3 minutes to perhaps an hour segment of programming.

4 What is it -- why is it that that change took
5 place?

6 A I -- I must defer. I was not at the station the
7 entire license term as I spelled out in my initial
8 statement, and without review of what you're talking about,
9 I could not give a --

10 MR. SHOOK: Tom, I may need your assistance for
11 this?

12 MR. HUTTON: Yes. Sir.

13 MR. SHOOK: Let me see if I can find something in
14 particular.

15 JUDGE SIPPEL: Let's go off the record.

16 (Discussion off the record.)

17 JUDGE SIPPEL: We are back on the record.

18 MR. SHOOK: Thank you, sir.

19 BY MR. SHOOK:

20 Q Now, as I understand it from the station's
21 records, there is something entitled "Street Wise" that
22 appears, for example, on the Wednesday, August 23, 1989,
23 log. I take it you're familiar with what "Street Wise" is.

24 Could you briefly describe that, please?

25 A It's a man in the street interview-type situation

1 where a certain topic is expounded upon by members of the
2 public.

3 Q Now, on August 23, 1989, which is a Wednesday, the
4 "Street Wise" program appears two times during the course of
5 the day; at 9:22 a.m. and some odd seconds, I won't bother
6 with that; and around 6:19 p.m.

7 How would the viewing audience of WTVE know that
8 "Street Wise" was going to be coming on?

9 A We historically tried getting listed in the
10 newspapers and ultimately succeeded. But again, there would
11 be -- there was no mechanism in place as far as the
12 newspapers go to get a segment length, two-minute or less,
13 to my knowledge, but there may be another means of doing
14 this.

15 Q Were you involved in some way in trying to get a
16 TV listing to describe or otherwise notify people what it
17 was that you were airing?

18 A With TV Media, TV Tribune Log, it was the TV
19 Tribune Log, I think, at that point, and now it's TV Media
20 Services, TV Data, that tried to get our scheduled into
21 them, and they determined or actually the newspapers
22 themselves make the determination of what stations they are
23 and are not going to carry, and it becomes a function of
24 making your listings available to these people, and --

25 Q Did there come a time when you made your listings

1 available to the Reading Eagle?

2 A They -- and again, I may not have been involved in
3 the actual -- at this point -- you know, for the -- for the
4 conversation in question, I may not have been directly
5 involved in that conversation. But in the -- you know, in
6 the future, and I would think in the current sense, they
7 would require you to send your listing to the TV Data or TV
8 Media Services to begin with, and then the newspaper makes a
9 decision. And yes, we did. And then we asked to be listed
10 and it was a -- it was an ongoing process.

11 Q Well, focusing on the period 1989 to 1994, what
12 kind of interaction did you have with the Reading newspaper
13 in order to get your programming listed?

14 A We had periodic phone calls. Again, I can't talk
15 for parts of the license period that I wasn't there;
16 submitted press releases when we won an award from the
17 Pennsylvania Association of Broadcasters; let them know what
18 we were doing via press releases. These phone calls were
19 not an every day situation. We would get told that it can't
20 be done right away, and, you know, we would call back, and
21 so there was a campaign of trying to alert them to what we
22 were doing.

23 Q Getting back to a question I asked just a little
24 bit earlier, in terms of the program that, and I'll just use
25 that word now to describe it, "Street Wise," is what you are

1 telling me that there was no particular way for the viewing
2 audience to know beforehand that this was going to be aired?

3 A I can't -- I don't know. I don't know that answer
4 until I look at --

5 Q And what about an intended viewing audience, how
6 would somebody you want to reach, you've got this program,
7 you think it's of value, "Street Wise," you want people to
8 watch it.

9 How are they going to know it's on the air?

10 A By given the fact that we have a substantial
11 viewing audience watching our programming that would stay
12 tuned while we broadcast these meaningful segments.

13 Q Well, let's say I found "Street Wise" to be very
14 informative, and I wanted to follow it with some regularity
15 because I was very happy with how the station put the
16 segment together. How would I know when to watch it?

17 A Well, you also bring up a point that we sometimes
18 were in a situation where we couldn't put down exactly 20
19 minutes after the hour we were going to get our break.
20 Sometimes it happened at 21 minutes after the hour. These
21 were kind of floating breaks and we couldn't give the
22 precise time of when to tune in.

23 But again, I would have to -- I would have to look
24 into what we were doing at that time to promote this.

25 Q Well, would I be correct that in order to view a

1 segment such as "Street Wise," I would basically just have
2 to leave my TV on Channel 51 and hope that it came up when I
3 happened to be watching?

4 A We've got a -- when we went to schools, for
5 instance, w have --

6 JUDGE SIPPEL: Can you answer that question before
7 you go onto something else?

8 THE WITNESS: Well, I was trying to use this as an
9 example of how people "Street Wise," people gathered around
10 the cameras. They knew when -- they knew when generally
11 these segments would be aired, and the station relied a lot
12 on word of mouth at that point, and --

13 BY MR. SHOOK:

14 Q That's fine, you're staring to answer the
15 question. You're telling me word of mouth is the way this
16 information got out.

17 A And people would -- when we go to a location,
18 people would see our -- you know, see what we're putting
19 together and wanted to know when it was going to be on, and
20 for instance, if they wanted a follow-up, they would be in
21 charge of -- they would be in touch with the station to, you
22 know, alert us of another event, or keep us apprised on an
23 ongoing basis of the issues that we are covering, and again,
24 press releases and work with -- with El Espanal, a Latino
25 newspaper, and we work with The Invoice, a predominantly

1 Africa-America newspaper.

2 I mean, there were times when -- and correct me if
3 some of my license terms are bleeding, I mean, this
4 definitely -- The Invoice was started in this term. I mean,
5 we would be -- our functions would be extensively covered in
6 these newspapers, these Hispanic and African-American-
7 oriented publications.

8 And we won awards from the Pennsylvania
9 Association of Broadcasters, for instance, so the chance may
10 be that it may be in the newspaper, and write-ups.

11 Q I want to make something clear. With respect to
12 the quality or nature of the public service announcements
13 that the station ran, we have no quarrel with the fact that
14 awards were given. We understand that.

15 What we are trying to understand is how the
16 viewing public would know when to turn the station on in
17 order to see something that the station viewed as important
18 from a public affairs standpoint.

19 A At that point it would be primarily word of mouth.

20 Q Did there come a time when that changed?

21 A I would have to check what time we started getting
22 listed with the Reading Eagle because if we're talking
23 during the license period or outside the license period, I
24 don't know which -- you know, I don't know what applies.

25 Q Mr. Mattmiller, do you have in front of you Adams

1 No. 11?

2 A I have one, you know, down there. You gave me one
3 earlier. I mean, if you want me to get it now or --

4 (Pause.)

5 JUDGE SIPPEL: Do you have the document in front
6 of you now?

7 THE WITNESS: Yes, sir.

8 BY MR. SHOOK:

9 Q All right, first of all, could you describe for us
10 what your understanding of this document is?

11 A It was taking -- this was the week of May 29
12 through June 4, taken from the -- I don't know TV Times. I
13 don't know what the Reading Eagle TV Times, and the first
14 page has the various channel listing positions of stations
15 throughout the region on Brooks Cable.

16 Q Well, let me ask you this. Was the TV Times a
17 separate supplement in the newspaper that would come out on
18 a weekly basis?

19 A Yes, there was -- there was the daily listings and
20 then the TV supplements.

21 Q Was the TV supplement meant to provide information
22 to the local viewing audience about what was going to be
23 aired during the upcoming week?

24 A For programs of half hours or more, it does.

25 Q And when you are making that statement, are you

1 referring to, for example, what appears on the top as
2 Reading Eagle TV 13? I believe that's meant to indicate a
3 page number? It's about five - six pages into the document.

4 A Mr. Shook, we are -- I mean, we are -- am I
5 interrupting you?

6 Q No. Go right ahead.

7 A As far as missing our two-minute, three-minute
8 segments in the MOD listings, it would be -- for the way
9 that this newspaper is set up, it would be -- it would be
10 impossible for all of those to be listed just because their
11 grids -- the grids are not set up for us to list the -- we
12 send the information in, but we have no control over what
13 gets included.

14 Q That I understand.

15 But looking at page, what is noted on the top
16 right as TV 13, do you see that?

17 A Yes, sir.

18 Q Now correct me if I'm wrong, but I don't see any
19 listing for 51, and the same apparently was true for the
20 remainder of the week.

21 A Then it -- to answer the question then with this
22 document before me, I can say that we were still petitioning
23 for -- still trying at that point to get listed.

24 Q Did you have any role in the children's
25 programming that the station aired?

1 A Yes.

2 Q Would you briefly describe what that role was?

3 A Realizing the importance of service to children's
4 programming, we needed to embrace the need to determine the
5 needs of the children and to determine what programming,
6 what available programming out there on the market is. And
7 we produced such programs as "Kids Corners," which was
8 locally produced; "Children's Issues," not to be confused
9 with the -- you know, the issues and concerns of children
10 which would be in a parental sense one aspect, but these
11 were, you know, what would excite kids.

12 For instance, how do you -- in an emergency, how
13 do you call a 911 number. And we would like to try at all
14 times to have an audience of the children in our studio and
15 that would entail bringing them through our tour, for
16 instance, and make a whole morning of showing them out to
17 take a -- how television works, you know, taping a
18 production, even how editing works, and then being in the
19 audience, you know, whatever topic was being discussed, be
20 it environmental, safety, and even health oriented, and then
21 they would be able to watch. They would tell their friends
22 and family and they would tell others, you know, to watch
23 for the new segments.

24 Q Now, in reference to these segments, you are again
25 referring to something that's three minutes or less in

1 length?

2 A Well, okay, now, can I -- can I ask a question
3 now? Are we getting into Children Television Act at this
4 point, I mean, as far as -- this was just the -- the in-
5 house segments were one aspect of our children, and then we
6 were doing the long form, half hour.

7 Q I'm just addressing the matter generally at this
8 point.

9 A Okay. Well, we did half hours and not -- I don't
10 think we produced many half hours. We relied on syndicator
11 distribution sources to get those half hours, but we did a
12 tremendous amount of local children's programs in the
13 segment aspect.

14 Q Right. Now, in terms of people being aware --
15 people in the viewing audience being aware that these
16 segments were going to be aired, isn't the case similar to
17 what we were talking about before; that it was basically pot
18 luck in terms of when something was going to come on the
19 air?

20 A Well, we -- in terms of scheduling, we had control
21 internally. I mean, we -- you know, we wouldn't be putting
22 children's programming in the middle of the night. I mean,
23 we're not talking about just -- just throwing stuff up to
24 the, you know, to the whims of traffic. But as far -- there
25 were spots given to, well, what would work best at what day

1 point.

2 And so let me just explain that that -- from the
3 moment of ascertainment all the way through production, that
4 did include traffic as far as the determinations of when is
5 this going to air. And so that process right up to
6 recording an ascertainment, so that process was ongoing, and
7 it did include when it was scheduled, when -- when would the
8 greatest period of time during the day be when kids would be
9 watching television, okay? Certainly we're not going to put
10 anything on relative to that in the middle of the night, so
11 thought and care was given to that aspect.

12 Q But again, in terms of being able to let
13 interested children know that a particular segment was going
14 to come on, we're talking again word of mouth, aren't we?

15 A Or if some topic or some -- let's say some
16 organization, and I cannot -- I cannot -- I'm just giving a
17 for instance, that they might have been notified and they
18 could get it out in a newsletter or the school that was
19 featured would have this in a press release that the school
20 generates. It would be something that's totally out of our
21 control, but we would get that information in a word-of-
22 mouth sense, but whatever was generated beyond that we
23 wouldn't know.

24 Q With respect to the half-hour programs for
25 children, what kind of steps were taken to have the viewing

1 audience know that such programming was going to be aired at
2 a particular time?

3 A The same -- the same process. We notified the
4 listing services and the newspapers that these were a part
5 of our schedule, and what age groups they serve, and a
6 synopsis and tried to get them listening. And then we, of
7 course, for a half-hour we would do heavy promotions, heavy
8 on-air promotions, 30-second promotions for the half-hours,
9 and come to think of it, I think, you know, without looking
10 into it more, I'm sure that there is a possibility of us
11 doing some on-air promotions for our segments. I'm just --

12 Q Well, in this regard, I'll -- I'm more than happy
13 to give you credit for a promotional announcement for the
14 program "Widget" which I saw --

15 A Yeah, we did extensive programming for the half-
16 hours, you know, that we could -- and, you know, I'm a
17 little -- I'm a little unsure of the specifics for the
18 segments that those may have been done on air as well. But
19 you know, maybe -- I just cannot be specific in that area,
20 But certainly getting into a -- all are certain of getting
21 into the half-hours, and we -- you know, we were heavy on
22 that.

23 Q Now, as station manager, did you have any role
24 whatsoever with respect to the construction permit that the
25 station is holding to relocate its facilities in order to

1 provide greater coverage to the area?

2 A Only to the extent of providing research or any
3 kind of background. As far as the real mechanics of any
4 kind of deal like that, which has gone to the Zoning Board,
5 for instance, I'm not -- I'm not really involved in that. I
6 mean, and now we are talking about over a period of years
7 that have elapsed that I have not really been a part of.
8 There needs to be some continuity there, and I'm not --

9 Q Do you have any involvement with what's going on
10 before the Zoning Board?

11 A In terms of recommending cites and -- I mean, I
12 was involved before the Zoning Board issue in really
13 researching sites and determining what would best suit our
14 needs, and doing research that way.

15 Q Well, let me explain where I'm going with this.
16 As I understand it, the station holds a construction permit
17 to relocate its tower in order to provide greater coverage -
18 -

19 A Yes, sir.

20 Q -- to the area.

21 A Yes, sir.

22 Q There is some dispute involving the Zoning Board?

23 A Yes, sir. It's a -- to my understanding, you have
24 the -- what I think, based on what other stations are going
25 through trying to either modify or in some way relocate

1 their towers to, for instance, more optimally compete in the
2 digital environment is much opposition from neighbors and
3 landowners and concerned residents or business of an area,
4 you know, as far as 50 mile -- you know, a 50-mile radius
5 with their various concerns that they have.

6 And I don't think, and from what I have seen from
7 our -- you know, the opposition to WTVE's tower is more of
8 that opposition.

9 Q Who, in your opinion, would be able to speak
10 intelligently as to the likelihood of that construct permit
11 proposal ever being effectuated?

12 A Well, that would be Mike Parker.

13 Q And the reason for that would be?

14 A He has been intrically involved up from start to
15 finish.

16 MR. SHOOK: I may be finished. If Your Honor
17 could give me a minute or so to check.

18 JUDGE SIPPEL: Go ahead.

19 (Pause.)

20 MR. SHOOK: Your Honor, I do have a few more.
21 Are we on the record?

22 JUDGE SIPPEL: Yes, we're still on the record.

23 MR. SHOOK: It should take only a matter of
24 minutes.

25 JUDGE SIPPEL: Go ahead, finish it up.

1 BY MR. SHOOK:

2 Q Mr. Mattmiller, to your understanding, was there
3 something about the arrangement that the station had with
4 Home Shopping Network that precluded the station from
5 running public affairs programming for three minutes or
6 less?

7 A I don't understand the question.

8 Q Well, as I understand it, the station had an
9 affiliation with the Home Shopping Network, and the Home
10 Shopping Network as a general matter had programming provided
11 to the station for segments of 21 to 25 minutes, somewhere
12 in that range, for a half hour.

13 The station then would utilize that period
14 available to it and fill in with public affairs
15 announcements, commercials, promotional announcements,
16 whatever the case may be.

17 Now, was there something that precluded the
18 station from airing programming of a half-hour or an hour in
19 order to address community concerns?

20 A I -- you know, again, I'm not -- I did not
21 negotiate the document, and so therefore I can't comment on
22 that.

23 Q Do you have -- could you tell us who, to your
24 understanding, would be able to comment on that?

25 A That would be Mike Parker.

1 MR. SHOOK: Your Honor, I have nothing further.

2 JUDGE SIPPEL: All right. Let's go off the record
3 for just a minute.

4 (Whereupon, a recess was taken.)

5 JUDGE SIPPEL: Mr. Hutton.

6 REDIRECT EXAMINATION

7 BY MR. HUTTON:

8 Q Mr. Mattmiller, I would like you to turn to Adams
9 Exhibit 16.

10 (Pause.)

11 JUDGE SIPPEL: Do you have the document in front
12 of you now, Mr. Mattmiller?

13 THE WITNESS: This is the -- this is Exhibit 16?

14 MR. HUTTON: Yes.

15 THE WITNESS: Yes, I have the document.

16 BY MR. HUTTON:

17 Q All right. On page 5 of that document, Mr.
18 Bechtel asked you some questions about the language
19 appearing at the bottom of page 5 under the heading "Current
20 Operating Status."

21 A Handwritten 5? Yes.

22 A "Current Operating Status"?

23 Q Right. Do you recall his questions?

24 A Let's see.

25 Q Or do you recall being asked about this?

1 A I recall there was a -- there was a -- the
2 question was asked did I write this, and do I stand behind
3 it. Yes.

4 Q Okay. I would like to direct your attention to
5 the term "skeletal staff" in the last paragraph on that
6 page, and ask you to explain what you meant by "skeletal
7 staff".

8 A That was -- that was a description of the station
9 size that did not want to convey with it a network
10 affiliate, for instance, whose department was -- one
11 department of that affiliate where there is potentially
12 larger than our station.

13 We, with key personnel and these included a
14 production manager, operations manager, collective groups of
15 people working on public affairs, it was a -- when I used
16 the term "skeletal" here, I wanted to convey that we were
17 not an enormous type of station; that we had a group of
18 people that were possibly performing a number of different
19 functions, but were nonetheless not -- you know, this was
20 not just the bare essentials. This was more than that, but
21 we were very efficient and very effective in how we utilized
22 the personnel that we did have, and that these people, in
23 addition to operations, being board operators, we had -- we
24 certainly had those people, but they were -- they were also
25 very, very talented in terms of camera operation, in terms

1 of editing, in terms of lighting and do whatever we had to
2 do to keep -- you know, to keep that schedule of guests
3 coming into the station, coming along, the people were able
4 to perform more than -- far more than one just duty and
5 description and that went for their supervisors and other
6 people in management that were directing them. In addition,
7 we had people that did nothing but production.

8 But what I was trying to convey there was that we
9 didn't have an enormous organization where we had a luxury
10 of, you know, doing let's say, you know, sending a news crew
11 out to, you know, cover everything that came along that
12 typically some people unfamiliar with the station or a
13 station of this ilk would assume.

14 So we were very, very efficient with what we had,
15 but we had -- skeletal does not connote the -- that is
16 not, in the strictest sense that's not a -- that's not an
17 absolute description of the station. There were far more
18 people than what a skeletal staff would connote, and they
19 were doing a far more -- far greater range of functions,
20 primarily in the area of public service than that
21 description would connote.

22 Q And are you familiar with the quarterly issues and
23 programs lists from the third quarter of 1989 through the
24 second quarter of 1994, perhaps third quarter of 1994, that
25 have been introduced as appendices to Ms. Bradley's

1 testimony in this case?

2 A I'd have to refer to them.

3 Q What's that?

4 A I would have to refer to them.

5 Q Well, have you seen them before?

6 A Yes.

7 Q And are you familiar with the broadcast efforts
8 and nonbroadcast efforts described therein and conducted by
9 the station during that time frame?

10 A Yes.

11 Q And were those broadcast efforts and nonbroadcast
12 efforts performed by the staff of the station in place at
13 that time?

14 A Yes.

15 Q And were those efforts documented by the same
16 staff in those reports?

17 A Again, in a -- I mean, it was different jobs,
18 different -- given to different people. But yes, as a
19 staff, they were generated by the same people.

20 Q Mr. Shook asked you about how your audience or
21 potential audience would know when segments would be aired
22 by the station, public service segments.

23 Do any of the, or at the time did any of the
24 members of the audience of the station leave the station on
25 for substantial periods of time?

1 A Yes. We had -- you're talking the viewing
2 audience?

3 Q Yes.

4 A Yeah, we have -- we have documented or we had, at
5 least we had phone contact with viewers that did leave the
6 station on for long periods of time.

7 Q And would you say that was common or uncommon
8 amongst the audience that the station catered to?

9 A Are we talking about an average? Are we talking
10 typically?

11 Q Just your best sense of what the situation was.

12 A I'd say that -- I'd say it's typical.

13 Q And Mr. Shook referred to the breaks from the Home
14 Shopping programming that the station -- where the station
15 inserted its own programming.

16 Do you recall that?

17 A Mm-hmm.

18 Q Did those breaks typically occur around the same
19 time of each hour?

20 A Yes.

21 Q Mr. Shook also asked you about the station's
22 carriage of longer form programming during the license term,
23 meaning, I think, 30 minutes or longer.

24 Are you familiar with the program -- well, let me
25 refer you to a document. We'll put before you Volume 2 of

1 the Reading Broadcasting hearing exhibits, and I'd like you
2 to refer to the program log for August 23, 1989.

3 The logs appear after the tab B. Following tab B,
4 there is a narrative with some charts, and then some FCC
5 public notices, and then the log appears after the FCC
6 public notices.

7 MR. COLE: Excuse me. Could you tell us what date
8 again?

9 MR. HUTTON: Wednesday, August 23, 1989.

10 MR. COLE: Thank you.

11 JUDGE SIPPEL: Okay, what part of -- is it just
12 one page here?

13 THE WITNESS: I've got it.

14 BY MR. HUTTON:

15 Q Well, I'm interested in the time segment from
16 approximately 6:30 to 7 a.m.

17 A Six-thirty to seven a.m.?

18 Q Yes.

19 Do you see that entry for "Today With Marilyn"?

20 A Yes, I do.

21 Q All right. Can you describe what that show was?

22 A This is a religious faith show that Marilyn Heeke,
23 a pastor, was teaching the viewerships, members of the
24 viewership in a spiritual base teaching.

25 Q Was it in the nature of religious education then?

1 A Yes, it was very helpful, very beneficial to the
2 viewership in terms of education and the like.

3 Q All right. And did that show regularly appear
4 during the 6:30 to 7 a.m. time slot during that license
5 term?

6 A Without seeing the logs further on, I could not
7 answer that question.

8 Q Well, during 1989, to the best of your
9 recollection, was it --

10 A Yes.

11 Q -- aired regularly during --

12 A Yes.

13 Q -- 1989?

14 A Yes.

15 Q Okay, how about 1990?

16 A To the best of my recollection, yes.

17 Q All right. How about 1991?

18 A To the best of my recollection.

19 Q All right, let me refer you now -- that was five
20 days a week?

21 A Yes.

22 Q Let me refer you know to the log for Monday,
23 October 26, 1992. Do you see it?

24 (Pause.)

25 Do you see that long entry?

1 A Yes, sir.

2 Q All right. And referring again to that time
3 period, do you see the entry for "Today with Marilyn" for a
4 half an hour?

5 A Yes, I do.

6 Q Okay. Does that refresh your recollection as to
7 the time frame in which the "Today with Marilyn Show" was
8 aired by WTVE?

9 A This is what I was -- refreshed me, yes.

10 MR. HUTTON: I have nothing further.

11 JUDGE SIPPEL: Any recross on that?

12 Go off the record, please.

13 (Pause off the record.)

14 MR. BECHTEL: Thank you.

15 RECROSS-EXAMINATION

16 BY MR. BECHTEL:

17 Q Would you repeat your description of the content
18 of the "Today with Marilyn," religious program?

19 A It's a religious-based program that teaches
20 scripture.

21 Q Is it listed in your quarterly news reports as
22 including a community view?

23 A It's been so long ago, sir. I'd have to check.

24 Q Well, we won't take your time now, but it's in the
25 record. It's our information that they are not.

1 A Okay.

2 Q Under Mr. Hutton's redirect examination, you put
3 an awful lot of analysis into the word "skeletal." Let's
4 get into that just a little bit.

5 Would you agree with me that "skeletal" and "bare
6 bone" is kind of both comparable --

7 A You know, it's so relative I -- I can't get into
8 that. I mean, we're talking -- really we're talking about a
9 definition here.

10 Q Your word. I'm just talking about the word. I'm
11 not talking about the sentence. We will get to that in a
12 minute.

13 A Okay.

14 Q Would you agree with me as a matter of two words
15 that "skeletal" and "bare bones" are analogous?

16 A Well, skeletal, in terms of the fact that bar
17 bones doesn't have any meat on, then those would be similar.
18 But I can't -- Mr. Bechtel, I can't get into saying that I
19 meant that.

20 Q I want to get into what you meant.

21 A I understand.

22 Q Now, in the preceding sentence you referred to
23 WTVe having a full staff, so you would agree with me that
24 that is bones with flesh on?

25 A Can I refer to this, sir?

1 Q Oh, yes. I'm sorry.

2 JUDGE SIPPEL: Page 5 of Exhibit 16.

3 THE WITNESS: In the preceding sentence?

4 MR. BECHTEL: Yeah, right up above it.

5 THE WITNESS: Okay.

6 MR. BECHTEL: You're talking about the change from
7 one to the other.

8 THE WITNESS: "At one time WTVE had a full staff
9 of production and sales personnel." I think --

10 BY MR. BECHTEL:

11 Q Now, my question was that the wording analogy that
12 we're talking about, that would be a skeleton with -- that
13 would be a skeleton with flesh on it; would it not?

14 A In reference to the sales personnel is --

15 Q In reference to the full staff instead of the
16 skeleton staff.

17 A To some extent, I'm not going to argue that. I am
18 not going to argue about that fine --

19 JUDGE SIPPEL: That's one thing you don't want to
20 do is to get into an argument.

21 THE WITNESS: No.

22 JUDGE SIPPEL: All you want to do is just answer
23 the question.

24 THE WITNESS: Yes, that's all.

25 Within reason.

1 BY MR. BECHTEL:

2 Q Okay, now I want to go the sentence where you used
3 the word "skeletal staffing." One of the things that you
4 have attributed to the staff --

5 A I'm sorry. I didn't hear with the door opening
6 and closing.

7 Q -- these are air operations. By air operations, I
8 trust that you mean the master control operators manning the
9 master control board?

10 A Yes, sir, in one aspect of what they do.

11 Q And perhaps also the engineering people taking
12 care of the equipment and so on?

13 A Exactly, technically.

14 Q The next primary duty that you identified that is
15 the production of public affairs and children's segments.

16 A Mm-hmm.

17 Q That's what we have been talking about a good part
18 of this whole -- during the proceeding and in the books?

19 A Mm-hmm.

20 Q Okay. And then the next thing that you referred
21 to is the production of -- I gather what's that is related
22 to -- public service announcements, or in any event, the
23 next category that you list here is public service
24 announcements, and that's also as segment type thing at the
25 time?

1 A PSAs, I think I would be probably referring to
2 PSAs as opposed to segment length here. PSAs being 30
3 second and possibly 60 seconds or longer.

4 Q And the final thing that you mention is occasional
5 production of spot advertising.

6 A Right.

7 Q Why did you use the word "occasional"?

8 A Because as referring to the preceding paragraph
9 when I mentioned sales personnel, the reduction in sales,
10 that it was not possible, or I'm not going to say "not," but
11 it was very, very, very difficult to sell Home Shopping
12 Network, and typically if you were selling the time, you
13 would need production people to produce the spots that you
14 would sell if they did not have -- if the client did not
15 have material that was preproduced that you could just slap
16 in on the air.

17 So when I say "occasional," I really do mean
18 occasional. We really didn't have a whole lot of luck
19 selling spot advertising.

20 Q So then you had quite a bit of room on your breaks
21 for things other than sold advertising spots, didn't you?

22 A In terms of producing -- producing a 30-second
23 spot that would air on our station for a product to be sold
24 to, right. There would be room for others, other types,
25 other sources, other types of program material.

1 Q And you never had breaks that were sold out
2 commercially so you had to make a choice between a
3 commercial and a public service notice or program or
4 segments?

5 A To my understanding, we never had a -- we never
6 had anything sold out. We may have been doing political
7 advertising sometimes if a race was -- we had to give equal
8 time to, or access to every politician if it was desirous of
9 advertising. That would be probably a rare instance to be
10 sold out, if it would ever come to that, and I don't know
11 that it ever came to that.

12 Q And finally, you did not mention, with regard to a
13 skeletal staff, the production of longer programs than the
14 public affairs, the children's segments and public service
15 announcements, did you?

16 A I wanted to bring that point up. I totally
17 misunderstood the question. I wanted to bring -- posed by
18 Mr. Shook. I wanted to bring that.

19 My understanding was the question that he asked
20 dealt exclusively with 30-second or 30-minute children's
21 programs. I did not know that that entailed other 30-minute
22 forms of programs, and I did want to bring that point up. I
23 totally -- was totally misunderstanding of the way that
24 question was phrased, not that it was phrased, but that as I
25 understood it. It was my fault.

1 But I thought that you were only alluding to
2 children's programming when you talked about 30 minutes. I
3 did not know that you were speaking of other type of
4 programming on the air.

5 MR. SHOOK: Well, just to clarify something, when
6 I was inquiring about 30-minute children segments, that's
7 exactly what I was asking about.

8 THE WITNESS: Okay. And I only answered the
9 question without --

10 JUDGE SIPPEL: Well, the record will speak to
11 that, so let's see what happens.

12 Are you finished?

13 Anything more on redirect on these questions?

14 MR. HUTTON: I would like a couple of minutes to
15 review our quarterly issues and programs list. If you want
16 to go off the record.

17 JUDGE SIPPEL: Yes, I do but I don't want this to
18 be a -- you know, we're going to sit here and wait until you
19 find something. I mean, do you have something that you're
20 going after or you are just looking to see if there is
21 anything around?

22 MR. HUTTON: No, I have something I'm going after.

23 JUDGE SIPPEL: All right.

24 (Pause off the record.0

25 JUDGE SIPPEL: Mr. Hutton, you just indicated you

1 have no further questions?

2 MR. HUTTON: Excuse me?

3 JUDGE SIPPEL: You have no further questions of
4 this witness?

5 MR. HUTTON: That's correct.

6 JUDGE SIPPEL: And nobody else has any further
7 questions, and I have no questions.

8 Mr. Mattmiller, you are excused as a witness. I'm
9 going to ask that you not discuss your testimony with
10 anybody who has not testified or that would be primarily Mr.
11 Parker, until he comes off the stand.

12 Do you understand me?

13 THE WITNESS: Yes, sir.

14 (Witness excused.)

15 JUDGE SIPPEL: Okay. Does anybody else have
16 anything more they want to raise or bring up?

17 Nine-thirty is going to be the starting time on
18 Monday morning, and we will deal with Mr. Parker. Have you
19 got that straight? I have that straight. I'm sorry.

20 Thank you very much. Have a good weekend.

21 MR. HUTTON: Thank you, Your Honor.

22 (Whereupon, at 12:53 p.m., the hearing was
23 recessed, to resume at 9:30 a.m., on Monday, January 10,
24 2000.)

25

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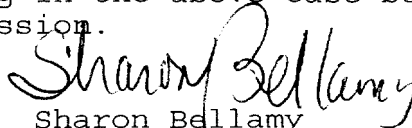
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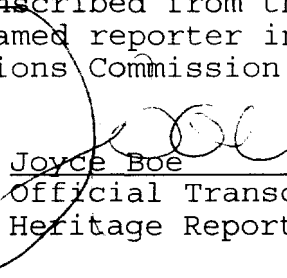
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